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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,980	12/22/2003	Mehryar Khulili Garakani	2705-316	9036
20575 7590 05/05/2008 MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204				
EXAMINER				
WORKU, NEGUSSE				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
05/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/743,980

**Applicant(s)**

GARAKANI ET AL.

**Examiner**

NEGUSSIE WORKU

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB088)
- Paper No(s)/Mail Date 04/08/05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is a replay to the application filed on 10/22/03, in which, claims 1-22 are pending. Claims 1, 7, 13, 14, 20, 21 and 22 are independent, and claim 2-6, 8-12, 15-20 are dependent.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 4/12/05, have been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (USP 7,038,800), in view of Kagami (USP 5,719,688).

With respect to claim 14, Ono '800' discloses a system (as shown in fig 1, fax terminal1 and 2 communicating each other using various standard communication

protocol) including; a first V.34 enabled fax machine, a second V.34 enabled fax machine, (a network connecting said first and second fax machines, said network including one or more gateways that operate in accordance with the T.38 un-enhanced protocol, said fax machines having an initial handshaking process during which an AnsAm signal consisting of a 2100 Hz tone with a 15Hz envelope is generated, signal inputted signal to component detecting unit 162, 164, having 2100Hz and 15Hz signal detecting unit of fig 16) a program in one of said gateways which modifies said AnsAm signal generated during the initial handshaking by removing the 15 Hz envelope, (AnSam 166 as shown fig 16) whereby the first fax machine does not generate a CM tone, (first fax machine 1 and 2 of fig 1) and said second fax machine falls back to G3 mode, and said first and second fax machine communicate using the G3 protocol (col.19, lines 5-20+).

Ono et al., (800), dose not, specifically teach fax machine falls back to G3 mode, for using G3 protocol during the testing of transmission line.

Kagami (688) in the same area of communication apparatus which connect a plurality of communication line teaches fax machine falls back to G3 mode, for using G3 protocol during the testing of transmission line (col.4, lines 40-45, and col.5, lines 12-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Ono '800' by the teaching of Kagami '688', it should be clear to one skilled in the art that anyone of a wide variety of communication devices can be similarly employed to accomplish this

desired result without depending from the teaching of the present invention, for the purpose of controlling a transmission speed of the various communication devices, so that a transmitting and receiving side of the devices can select a format the both can communicate.

With respect to claim 15, Ono '800' discloses a system (as shown in fig 1, fax terminal 1 and 2 communicating each other using various standard communication protocol) 15), wherein said network is an IP network (col.13, lines18-25).

With respect to claim 16, Ono '800' discloses a system (as shown in fig 1, fax terminal 1 and 2 communicating each other using various standard communication protocol), wherein both of said fax machines are connected to said network by gateways that use the un-enhanced T.38 protocol (col.3, lines 10-15).

With respect to claim 17, Ono '800' discloses a system (as shown in fig 1, fax terminal1 and 2 communicating each other using various standard communication protocol), wherein said first fax machine is connected to said network by a un-enhanced T.38 gateway and said second fax machine is connected to said network by an enhanced T.38 gateway ( col.4, lines 47-55).

With respect to claim 18, Ono '800' discloses a system (as shown in fig 1, fax terminal1 and 2 communicating each other using various standard communication

protocol), wherein said second fax machine is connected to said network by a un-enhanced T.38 gateway and said first fax machine is connected to said network by an enhanced T.38 gateway, ( col.4, lines 47-55 and col.3, lines 10-15).

With respect to claim 19, Ono '800' discloses a system (as shown in fig 1, fax terminal 1 and 2 communicating each other using various standard communication protocol), wherein said initial handshaking is in accordance with the V.8 handshaking protocol (col.3, lines 40-45+).

With respect to claim 20, Ono '800' discloses a system (as shown in fig 1, fax terminal 1 and 2 communicating each other using various standard communication protocol), a first means (fax terminal 1 of fig 1) operating according to the V.34 fax machine protocol, a second means (fax terminal 2 of fig 1) operating according to the V.34 fax machine protocol, network means connecting said first and second fax machines, (first and second fax shown in fig 1, col.3, lines 5-20) said network means including one or more gateways means that operate in accordance with the T.38 un-enhanced protocol, said first means having an initial handshaking process during which an AnsAm signal consisting of a 2100 Hz tone with a 15Hz envelope is generated, program means in one of said gateway means which modifies said AnsAm signal generated during the initial handshaking by removing the 15 Hz envelope, whereby said first means does not generate a CM tone, and said second means falls back to G3 mode, and said first and second means thereby fall back and communicate using the

G3 protocol.

Ono et al., (800), does not, specifically teach fax machine falls back to G3 mode, for using G3 protocol during the testing of transmission line.

Kagami (688) in the same area of communication apparatus which connect a plurality of communication line teaches fax machine falls back to G3 mode, for using G3 protocol during the testing of transmission line (col.4, lines 40-45, and col.5, lines 12-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Ono '800' by the teaching of Kagami '688', it should be clear to one skilled in the art that anyone of a wide variety of communication devices can be similarly employed to accomplish this desired result without depending from the teaching of the present invention, for the purpose of controlling a transmission speed of the various communication devices, so that a transmitting and receiving side of the devices can select a format the both can communicate.

***Allowable Subject Matter***

5. Claims 1-13, 21 and 22 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

claim 1-6, are allowed for the reason the prior art searched and of record neither anticipates nor suggests a method of connecting a first V.34 enabled fax machine to a second V.34 enabled fax machine over a network utilizing at least one gateway that operates in accordance with the T.38 un-enhanced protocol, said fax machines having

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an initial handshaking process during which an AnsAm signal consisting of a 2100 5 Hz tone with a 15Hz envelope is generated, said method including: placing a call by said first fax machine to said second fax machine over a voice grade connection, generating an AnsAm signal by said second fax machine in response to said call, modifying the AnsAm signal generated during the initial handshaking by removing the 15 Hz envelope, whereby the first fax machine does not generate CM tone, and said second fax machine falls back to G3 mode, and said first and second fax machine communicate using the G3 protocol.

Claims 7-12 are allowed for the reason the prior art searched and of record neither anticipates nor suggests a method of connecting a first V.34 enabled fax machine to a second V.34 enabled fax machine over a network that has one or more gateways that operate in accordance with the T.38 un-enhanced protocol, said fax machines having an initial handshaking process during which a CM signal is generated which includes a bit indicating that the calling fax machine is V.34 enabled, said method placing a call to said second fax machine by said first fax machine over a 5 voice grade connection, generating an AnsAm signal by said second fax machine in response to said call, generating a CM signal by said first fax machine, said CM signal having a bit set to indicate that said first fax machine is V.34 enabled, modifying said CM in said gateway to disable said bit indicating that the calling fax machine is V.34 enabled.



Claim 13 is allowed for the reason the prior art searched and of record neither anticipates nor suggests a method of connecting a first V.34 enabled fax machine to a second V.34 enabled fax machine over a network that includes a first gateway connecting said first fax machine to said network and a second gateway connecting said second fax machine to said network, said gateways operating in accordance with the T.38 un-enhanced protocol, said fax machines having an initial handshaking process during which an AnsAm signal consisting of a 2100 Hz tone with a 15Hz envelope is generated, and placing a call to said second fax machine by said first fax machine over a voice grade connection, generating an AnsAm signal by said second fax machine in response to said call, modifying said AnsAm signal generated during the initial handshaking in one of said gateway gateways by removing the 15 Hz envelope, whereby the first fax machine does not generate a CM tone.

Claim 21 is allowed for the reason the prior art searched and of record neither anticipates nor suggests a system for connecting a calling Super Group 3 fax machine and a called Super Group 3 fax machine over an IP network that includes gateways that operate in accordance with the T.38 un-enhanced protocol, said fax machines initially connecting over a voice grade line using the V.8 protocol, whereby the called fax machine generates an AnsAm signal, a method including the steps of: modifying said AnsAm signal whereby the called fax machine does not respond to the AnsAm signal with a CM tone, timing out by said called fax machine since it does not receive a CM signal, said called fax machine falling back to G3 mode as a result of said

time out, and said calling and called fax machines proceeding to communicate in G3 mode.

Claim 22 is allowed for the reason the prior art searched and of record neither anticipates nor suggests a method of connecting a first V.34 enabled fax machine to a second V.34 enabled fax machine over a network by at least one gateway that operates in accordance with the T.38 un-enhanced protocol, said fax machines having an initial handshaking process during which an AnsAm signal consisting of a 2100 Hz tone with a 15Hz envelope is generated, placing a call by said first fax machine to said second fax machine over a voice grade connection, generating an AnsAm signal by said second fax machine in response to said call, modifying the AnsAm signal generated during the initial handshaking by removing the 15 Hz envelope, whereby the first fax machine does not generate a CM tone, and said second fax machine falls back to G3 mode, and said first and second fax machine communicate using the G3 protocol.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

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